

**STATE OF MICHIGAN**  
**IN THE CIRCUIT AND PROBATE COURTS**  
**FOR THE COUNTY OF MACOMB**

**IN RE FAMILY COURT  
PLAN**

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**Joint Administrative Order  
Macomb Circuit Court 2003-2  
Macomb Probate Court 2003-1**

The following Family Court Plan is adopted by the Macomb County Circuit and Probate Courts.

This order shall be effective July 1, 2003, until modified by the Court.

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Hon. Peter J. Maceroni,  
Chief Circuit Judge

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Hon. Pamela Gilbert O'Sullivan,  
Chief Probate Judge

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## **Macomb County Circuit Court Family Division Plan**

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### **I. Plan Requirements**

#### **A. Administration**

1. The Chief Judge of the Circuit Court has supervisory authority over the administration of the Family Division of the Circuit Court.
2. Administrative Structure
  - a. The Chief Judge may appoint a Presiding Judge of the Family Division, after consulting with the judges serving in the Family Division, who will assist the Chief Judge in supervising the Family Division and be responsible for the day to day operation of the Family Division.
  - b. The Circuit Court Administrator will have overall supervisory authority over the Family Division and shall delegate administrative authority as deemed appropriate.
  - c. The supervisory responsibilities and job descriptions of individuals supporting the Family Division were clarified and developed through the efforts of the Family Division Implementation Committee, the Chief Judge, and the Presiding Judge.
  - d. Facilities are managed by current staff under the supervision of the Chief Judge, the Presiding Judge of the Family Division, the Circuit Court Administrator, and the Juvenile Division Administrator.
  - e. The Youth Home will be managed by current staff.
  - f. The Juvenile Division site will be managed by current staff.
  - g. An organizational chart of the Family Division is attached, Exhibit A.
  - h. Budgets of the entities within the Family Division will be developed separately according to current budgetary units, but submitted to Macomb County together as part of the Circuit Court budget package. Any state budgets will be prepared by the unit and approved by the Chief Judge.

#### **B. Judicial Assignment**

1. Judges should serve full-time in the Family Division when practicable and where sufficient caseload and judicial resources exist.

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2. The number of judges in the Family Division was determined by case load analysis, an analysis of the types of hearings customarily held by judges, a survey of judges to determine how much time various proceedings consume, and experience in operating the Family Division.
3. Four Circuit Court judges will be assigned full-time to the Family Division until a Probate Court judge is appointed by Governor Granholm to replace Judge Antonio P. Viviano and begins serving in the Family Division.
4. After the Probate Judge begins serving in the Family Division, three Circuit Court judges will be assigned full-time to the Family Division through December 31, 2004.
5. The Probate Court judge appointed by Governor Granholm to replace Judge Antonio P. Viviano will be assigned full-time to the Family Division through December 31, 2004. This Probate judge position has been sunsetted by the Michigan Legislature as of December 31, 2004. As of January 1, 2005, it will become a Circuit Court judge position which will be filled by election in November of 2004. The Probate Judge serving pursuant to this Plan shall have the same power and authority as circuit judges in Family Division matters within this Circuit, in addition to the powers and authority of Probate Court.
6. From the effective date of this plan through December 31, 2004, one of the Family Division judges will have primary responsibility for the ongoing handling of matters arising in the Juvenile Division.
7. Beginning on January 1, 2005, there will be four Circuit Court judges assigned full-time to the Family Division.
8. The judges of the Civil/Criminal Division will be cross-assigned to the Family Division to handle miscellaneous matters in the absence of an assigned Family Division judge or assist with the docket, as needed.
9. The judges of the Family Division are authorized to serve as "alternate judge" for the other judges of the Family Division as needed. The Family Division alternate judge shall be authorized to perform acts for the other judges of the Family Division, including, but not limited to, reviewing and signing orders in the Juvenile Division of the Court and handling miscellaneous matters. This provision shall be implemented by the adoption of a Local Administrative Order.
10. The Chief Judge will develop a process of selection of circuit judges for the Family Division. The circuit judges to be assigned to the Family Division will be determined by the best interests of the citizens of Macomb County.

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11. The duration of a judge's service in the Family Division will be consistent with the goal of developing sufficient judicial expertise in family law to properly serve the interests of families and children whose cases are assigned to that judge. The Chief Judge shall have the authority and flexibility to determine the duration of a judge's assignment to the Family Division to further the goal of developing judicial experience in family law.
  - A. When a judge's service in the Family Division ends, pending cases are to be reassigned to another Family Division judge, unless, in the interests of justice and the goal of 'one judge one family' it is appropriate for a judge leaving the Family Division to complete particular cases.
12. The judges assigned to the Family Division are identified in Exhibit B, attached to this Plan. The Exhibit shall be updated from time to time as assignments change.

### **C. Implementation Phases**

1. Barriers to implementation include the separation of the Juvenile Division and Youth Home facilities from the Circuit Court facility. They are approximately two miles from the Circuit Court building. An additional barrier is the transition from three Probate judges to two Probate judges in 2005. One Probate judgeship will become a Circuit Court judgeship in 2005. These barriers will be addressed in phases as follows:
  - a. Phase 1 - July 1, 2003 through December 31, 2004
    - (1) The Family Division judges will be located in the Circuit Court Building in downtown Mt. Clemens.
    - (2) One of the Family Division judges will have primary responsibility for the ongoing handling of matters arising in the Juvenile Division.
  - b. Phase 2 - Beginning in 2005
    - (1) The Family Division judges will be located in the downtown facility.
    - (2) Juvenile Division matters will be blended into the dockets of the Family Division judges.
  - c. Phase 3

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- (1) The optimal Family Division will not be attainable until the Division has its own facility for all judges and support staff. This will require relocation of the judges and staff of each court.
- (2) Exploration of this phase depends upon funding for a new facility and will be explored if and when funding for a Family Division facility is a reality.

### **D. Case Assignment**

1. Cases will be assigned to further the concept of “one judge-one family,” when practicable.
  - a. A “family” for purposes of this plan includes individuals who are related as husband or wife, parent, stepparent, guardian, child or sibling. An action may still be deemed to involve a “family” although an unrelated individual is involved as a complainant or a party.
    - (1) Juvenile offenses, abuse and neglect, adoption, and parental consent cases shall be filed at the Juvenile Division facility. New matters shall be assigned randomly to the Family Division judges.
    - (2) Until circumstances allow the implementation of Phase 2 of this Plan, Juvenile Division cases which require judicial action will be handled by a designated Family Division judge.
    - (3) The Juvenile Division referees and support staff of the Juvenile Division shall remain at the Juvenile Court facility on North Rose Street.
    - (4) If a civil or criminal action arises from the relationship of parties already involved in a juvenile matter, the civil or criminal case will be reassigned or assigned to the Family Division judge assigned to the juvenile matter, if practical. The Presiding Judge of the Family Division, or the Chief Judge, shall determine whether to assign a civil or criminal case to a Family Division judge under this section to further the concept of “one judge-one family.”
    - (5) All other new Family Division cases, including name changes, shall be filed at the Circuit Court facility and assigned randomly to the Family Division judges.
    - (6) If a civil or criminal action arises from the relationship of parties already involved in a domestic relations matter, the civil or criminal case will be reassigned or assigned to the Family

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Division judge assigned to the domestic relations matter, if practical. The Presiding Judge of the Family Division, or the Chief Judge, shall determine whether to assign a civil or criminal case to a Family Division judge under this section to further the concept of "one judge-one family."

- (7) The Chief Judge will adopt a local administrative order pursuant to MCR 8.112 for the assignment of cases consistent with this Plan.
- (8) Upon the assignment of a new judge to the Family Division, Family Division cases shall be transferred to that judge as determined by the Chief Judge in furtherance of the goals of the Family Division. Judges transferring cases may retain specific designated cases to further the goal of one family - one judge and to complete ongoing matters. Judges shall consult and cooperate to create an orderly transition from one judge to another.
- (9) Upon the disqualification of a judge of the Family Division, the case or cases shall be randomly reassigned to another judge of the Family Division. If all judges of the Family Division, disqualify themselves, the case or cases may be reassigned randomly to one of the judges of the Civil/Criminal Division. If all judges of both divisions are disqualified, the Chief Judge shall request assignment of a visiting judge from another Court from the Region I State Court Administrative Office pursuant to State Court Administrative Office guidelines.

### **E. Case Flow Management**

1. A case flow management system has been established for domestic relations cases and will be utilized by the Family Division judges. It is anticipated that the case flow management system will be incrementally improved to take advantage of judicial specialization and the increased support the Friend of the Court will be able to provide. The Court is actively seeking a new unified court-wide case management system which would enhance the implementation of the Family Division.
2. Friend of the Court employees have been assigned to support the Family Division judges pursuant to a staffing plan developed to implement the Family Division.
3. Juvenile matters will be handled pursuant to the current staff/referee system in the Juvenile Division facility. It is anticipated that the Juvenile Division case flow management

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system will be incrementally improved during the implementation of the Family Division.

### **F. Automation**

1. The Macomb County Management Information Services Department has performed a current state analysis, issued an RFP for a unified computer system for the Civil/Criminal Division, Family Division, Probate Court and the two County funded district courts, and a Team made up of representatives of the various Departments has recommended the purchase of a unified court system to the Macomb County Board of Commissioners. The Macomb County Prosecutor is also participating in the process and would like to be a part of a unified court system. The Court is actively seeking approval of the system from the Board of Commissioners.
2. Implementation of a merged computer system is a difficult task, requiring much planning, programming, and expense.
3. It is anticipated that a new computer system will be implemented initially in the Circuit Court facility during 2003 - 2004, followed by the other participants as resources and time allow.

### **G. Facilities and Records Management**

1. Court documents will be filed at two locations. Juvenile and former Probate Court family matters which are within the jurisdiction of the Family Division, except name changes, will be filed at the Juvenile Division facility.
2. Until Phase III of this Plan can be implemented, the Family Division will continue the past practice that Family Division employees maintain the files and records of the Juvenile Division. The County Clerk/Register of Deeds shall not be responsible for the files and records of the Juvenile Division until that time.
3. The central access point for information about the Family Division will be the Circuit Court Administrator's Office. It will provide the public, citizens, litigants, and attorneys with information regarding access to courts and court related activities, such as where to file documents, how records are stored, how records may be accessed, and the date and time of hearings.
4. Due to facility and staff limitations, files will continue to be stored in current locations. A method of transporting files between the facilities, when needed for proceedings, has been developed.

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5. Pursuant to MCL 712A.16, the Chief Judge will work with the Macomb County Board of Commissioners on management of the Youth Home. An agreement is in place between the Chief Judge and Macomb County for operation of the Youth Home. The Youth Home Facility Manager will report to the Chief Judge, or in his absence, to the Presiding Judge of the Family Division.
6. A policy on access to records has been developed to protect the integrity and availability of records. This will include a system wide file tracking sub-program on the computer system, when practicable. File tracking within the Circuit Court system is currently available.
7. Staff are trained on file management pursuant to the case file management standards.
8. The need for confidentiality of certain proceedings, files and records will be addressed in training.
9. The County Clerk has been afforded the opportunity to participate in the development of plans for management of court records.

### **H. Training**

1. The Michigan Judicial Institute will provide training for judges serving in the Family Division pursuant to this Plan.
2. Macomb County Circuit Court will evaluate the need for local training on an ongoing basis as part of the phases of implementation.
3. The need for training for the Family Division of the Circuit Court will be determined by the Chief Judge in consultation with the Presiding Judge of the Family Division, the Circuit Court Administrator, the Juvenile Court Administrator and other interested stakeholders.
4. The judges of the Family Division participated in a Macomb County Bar Association continuing legal education seminar during which practitioners were informed of the Phase 1 plans of the Family Division. In addition, the judges of the Family Division received input from practitioners regarding questions and issues concerning them.
5. The Family Division held a retreat to discuss the mission of the Family Division, discuss case flow management, discuss the handling of personal protection orders and to develop a better



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understanding of the job duties and responsibilities among the key employees providing services to the Family Division.

6. Judges of the Family Division have received and will continue to receive judicial support and training from the other judges of the Circuit Court in the form of advice, bench books and other relevant information. Members of the Civil/Criminal Division will likewise continue to receive information from the judges of the Family Division. All judges meet at least monthly to discuss issues of mutual interest.
7. Employees are receiving appropriate in service training on an ongoing basis as the need arises.
8. Judges and key employees of the Family Division will be allowed to attend appropriate Michigan Judicial Institute training sessions.
9. The Family Division conducted a joint training session with Juvenile Division Referees, Friend of the Court Referees and Friend of the Court Judicial Service Officers. Training was provided on Family Division matters, including the relationship of the Family Division to Probate Court guardianship matters. In addition, participants identified and discussed concerns relating to the operation of the Family Division.
10. Local in-service training will be provided to judges and employees on an ongoing basis.

## **II. Plan Guidelines**

### **A. Records Management**

1. A procedure for the internal transfer of files and documents has been developed and implemented.
2. Electronic bridges will be developed. The Court is actively seeking a unified court system. A combined system will allow all employees to share data, use a coordinated case numbering system and have access to all information relating to a family. It is anticipated that new functionality will be added in a new system. The security of data will also be addressed by expanding present security levels through user passwords.
3. The security of file materials has been addressed and will continue to be addressed through training.
4. The assignment of court personnel has been addressed. The Family Division is operating successfully.

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### **B. Facilities**

1. The ideal is to build a new Family Division building which will house all judges and support staff and address, at a minimum, the following guideline issues:
  - a. Places for child care during hearings or other meetings.
  - b. Places for supervised parenting time.
  - c. Places for attorney/client meetings.
  - d. Ways to limit danger to court employees, the public, and records.
  - e. Safe access to facilities during non-traditional hours.

### **III. Periodic Review of Family Court Plan**

The Chief Judges of the Circuit and Probate Courts shall periodically review and revise the Family Division plan, as necessary in light of changes in circumstances, resources or needs.

### **IV. Effect on Prior Plans**

This Plan supersedes prior plans that have been approved for the operation of the Family Division.

**Exhibit B**

**Judges Serving in the Family Division**

**Circuit Judges\***

Judge Peter J. Maceroni

Judge Antonio P. Viviano

Judge Mark S. Switalski

Judge Matthew S. Switalski

\*Four Circuit judges pending service of Probate Judge Tracey A. Yokich in Family Division

**Probate Judge**

Judge Tracey A. Yokich

**Civil/Criminal Division judges acting as 'alternate judge' when designated pursuant to local administrative order:**

Judge Deborah A. Servitto

Judge Edward A. Servitto

Judge Mary A. Chrzanowski

Judge Donald G. Miller

Judge James M. Biernat, Sr.

Judge Richard L. Caretti

Judge Diane M. Druzinski

As of 7/7/03